

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VASTI MARIA DA SILVA JACKSON,

Plaintiff,

v.

STEVE KEITH NELSON,

Defendant.

CASE NO. 2:22-cv-00053-JHC

ORDER

I.

INTRODUCTION

This matter comes before the Court sua sponte on Plaintiff Vasti Maria Da Silva Jackson's Second Amended Complaint ("SAC"). Dkt. # 29. The Court has examined the SAC and dismisses it without leave to amend. The Court dismisses Plaintiff's federal claims with prejudice but dismisses her state-law tort claims without prejudice.

II.

BACKGROUND

Magistrate Judge Michelle L. Peterson granted Plaintiff *in forma pauperis* ("IFP") status. See Dkt. # 5.

1 In her initial complaint, Plaintiff asserted that, since August 2003, Defendant violated her
2 Fourteenth Amendment rights to life and liberty. Dkt. # 6 at 1–2, 16–17. Plaintiff alleged that
3 Defendant and his associates with the FBI accused, investigated, and interrogated her for various
4 crimes; drugged, raped, and trafficked her for sex; forced her to commit robberies; engaged in a
5 nearly twenty-year-long campaign to harass her; and posed as employers, stalked her at her
6 places of employment, and prevented her from obtaining and maintaining employment. Dkt. # 6
7 at 2–14. The complaint requested “punitive damages that shall be paid by [Defendant] on the
8 amount of . . . 19 MILLION DOLLARS,” and alleged that Plaintiff’s daughter incurred \$16
9 million in damages. *Id.* at 17. The Court dismissed Plaintiff’s original complaint without
10 prejudice and with leave to amend. Dkt. # 24 at 3.

11 Plaintiff then filed a First Amended Complaint (“FAC”), asserting claims under 42
12 U.S.C. § 1983, 15 U.S.C. § 6851(b), and various federal criminal statutes, as well as a tort-law
13 claim for intentional or reckless infliction of emotional distress (“IIED”). Dkt. # 25. The Court
14 dismissed Plaintiff’s 42 U.S.C. § 1983 claim and her federal criminal claims with prejudice.
15 Dkt. # 28 at 11. The Court dismissed Plaintiff’s 15 U.S.C. § 6851(b) claim without prejudice
16 and without leave to amend. *Id.* The Court dismissed Plaintiff’s IIED claim without prejudice
17 and with leave to amend for lack of subject matter jurisdiction. *Id.* The Court also stated that
18 “Plaintiff may not add new causes of action or new parties without first obtaining leave from the
19 Court under Local Civil Rule 15 to do so.” *Id.*

20 Plaintiff then filed the SAC. Dkt. # 29. In the SAC, Plaintiff asserts—for the first time—
21 claims under *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388
22 (1971), *Flast v. Cohen*, 392 U.S. 83 (1968), and 18 U.S.C. § 1503, as well as tort claims for
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1 deceit, false imprisonment, sexual assault, and battery. Dkt. # 29 at 1–5. Plaintiff also reasserts
 2 her claim for IIED.¹ *Id.* at 3.

3 III.

4 ANALYSIS

5 A. Standard for Dismissal

6 8 U.S.C. § 1915 governs dismissal of IFP complaints. First, Section 1915 requires the
 7 Court to dismiss an IFP complaint if it fails to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).
 8 “[S]ection 1915(e) not only permits but *requires* a district court to dismiss an in forma pauperis
 9 complaint that fails to state a claim.” *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en
 10 banc) (emphasis added). A court evaluating an IFP complaint applies the same standard as it
 11 applies to a Rule 12(b)(6) motion to dismiss. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir.
 12 2012). Under that standard, “a complaint must contain sufficient factual matter, accepted as true,
 13 to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
 14 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The facts alleged “must
 15 be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555. The
 16 court need not accept as true a legal conclusion presented as a factual allegation. *Id.* Because
 17 Plaintiff is pro se, the Court construes the pleadings liberally. *See Hebbe v. Pliler*, 627 F.3d 338,
 18 342 (9th Cir. 2010).

19 Second, Section 1915 requires the Court to dismiss an IFP complaint if it is frivolous.
 20 *See* 28 U.S.C. § 1915(e)(2)(B)(i) (“[T]he court shall dismiss the case at any time if the court
 21 determines that the action . . . is frivolous.”). An action is frivolous if “it lacks an arguable basis
 22 either in law or in fact,” or if the complaint describes “fantastic or delusional scenarios.” *Neitzke*

23 ¹ At various points in the SAC, Plaintiff also refers to the tort of outrage. *See, e.g.*, Dkt. # 29 at 3.
 24 Because IIED and outrage are simply different names for the same tort, *see Kloepfel v. Bokor*, 149 Wash.
 2d 192, 193 n.1, 66 P.3d 630 (2003), the Court refers to this claim as an IIED claim.

1 *v. Williams*, 490 U.S. 319, 325, 328 (1989). In this respect, Section 1915 provides courts with
 2 “the unusual power to pierce the veil of the complaint’s factual allegations and dismiss those
 3 claims whose factual contentions are clearly baseless.” *Id.* at 327.

4 Also, the Court must dismiss a complaint if it presents no basis for subject matter
 5 jurisdiction. The Court has an obligation to determine sua sponte whether it has subject matter
 6 jurisdiction over the case. *See* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that
 7 it lacks subject-matter jurisdiction, the court *must* dismiss the action.” (emphasis added)); *Valdez*
 8 *v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004); *Emiabata v. Bank of N.Y. Mellon Tr.*
 9 *Co. NA/JP Morgan Chase (SLS)*, No. 17-cv-01302-JLR, 2017 WL 4838840, at *1 (W.D. Wash.
 10 Oct. 3, 2017) (dismissing an IFP claim under Section 1915 when it failed to establish subject
 11 matter jurisdiction); *Lacy v. Brinkman*, No. 13CV416-WQH-BGS, 2013 WL 5278930, at *1–2
 12 (S.D. Cal. Sept. 17, 2013) (same).

13 When a court dismisses a pro se plaintiff’s complaint, it must give the plaintiff leave to
 14 amend “unless ‘it is absolutely clear that the deficiencies of the complaint could not be cured by
 15 amendment.’” *Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir. 2015) (quoting *Akhtar v. Mesa*,
 16 698 F.3d 1202, 1212 (9th Cir. 2012)); *see also Lopez*, 203 F.3d at 1126–31.

17 B. Consideration of New Claims in the SAC

18 In its previous order, the Court prohibited Plaintiff from “add[ing] new causes of action
 19 or new parties without first obtaining leave from the Court under Local Civil Rule 15 to do so.”
 20 Dkt. # 28 at 11. In the SAC, Plaintiff asserts, for the first time, claims under *Bivens*, *Flast*, and
 21 18 U.S.C. § 1503, as well as tort claims for deceit, false imprisonment, sexual assault, and
 22 battery. Dkt. # 29 at 3–5. Plaintiff did not request leave from the Court to assert those claims.
 23 Notwithstanding Plaintiff’s failure to comply with the Court’s order, the Court will excuse this
 24 error and consider her new claims because she is proceeding pro se.

C. *Bivens* Claim

In the SAC, Plaintiff raises a *Bivens* claim for the first time. Dkt. # 29 at 5. In *Bivens*, the Supreme Court recognized an implied cause of action against federal officers alleged to have violated certain constitutional rights, including the Fourth Amendment’s prohibition against unreasonable searches and seizures. *See generally Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971); *see also Hernandez v. Mesa*, 137 S. Ct. 2003, 2006 (2017) (per curiam); *Ziglar v. Abbasi*, 137 S. Ct. 1843, 1855–56 (2017); *Consejo de Desarrollo Economico de Mexicali, A.C. v. United States*, 482 F.3d 1157, 1173 (9th Cir. 2007) (“In a paradigmatic *Bivens* action, a plaintiff seeks to impose personal liability upon a federal official based on alleged constitutional infringements he or she committed against the plaintiff.”).

As is the case for most other causes of action, a plaintiff asserting a *Bivens* claim must file suit within the applicable statute of limitations period. The applicable statute of limitations for a *Bivens* claim borrows from state law and is governed by the statute of limitations used in the forum state for personal-injury claims. *See Van Strum v. Lawn*, 940 F.2d 406, 410 (9th Cir. 1991) (“[W]e hold that the personal injury statute of limitations properly applies to *Bivens* claims.”); *W. Ctr. for Journalism v. Cederquist*, 235 F.3d 1153, 1156 (9th Cir. 2000) (recognizing that a state’s statute of limitations for personal injury actions provides the statute of limitations for a *Bivens* claim, and that “[a] *Bivens* claim accrues when the plaintiff knows or has reason to know of the injury”); *Emrit v. Arizona Supreme Ct.*, No. CV-15-01718-PHX-ESW, 2016 WL 910151, at *3 (D. Ariz. Mar. 9, 2016). Washington law provides a three-year statute of limitations for personal-injury claims. *See Revised Code of Washington (RCW) 4.16.080(2)*. Thus, in this case, any *Bivens* claim must be based on conduct that occurred within three years of the date on which Plaintiff filed this action: January 20, 2022.

1 The overwhelming majority of Plaintiff's complaint is dedicated to alleged wrongdoing
2 that occurred more than fifteen years before this lawsuit. The SAC describes alleged misconduct
3 by Defendant beginning in August 2003, with most of the allegations concerning conduct that
4 occurred from 2003 to 2006. For example, Plaintiff alleges that in 2003, Defendant and
5 members of the FBI infiltrated her community college in order to discover the identities of
6 foreign students. Dkt. # 29 at 9. She asserts that these officials interrogated her and accused her
7 of committing various crimes, including international terrorism. *Id.* at 10, 13. Plaintiff alleges
8 that soon after, Defendant—posing as her roommate—began putting drugs in her food and drinks
9 in order to have non-consensual sex with her. *Id.* at 11–12. She also alleges that Defendant held
10 her hostage in her home, that Defendant “and his gang of criminals” relied on the Patriot Act to
11 justify their unlawful entrance into her home, and that Defendant sex trafficked her “among [the]
12 undercover government agents.” *Id.* at 13–14. And Plaintiff alleges that, from 2004 to 2006,
13 Defendant stalked her, harassed her, and threatened her. *Id.* at 19. To the extent that Plaintiff's
14 *Bivens* claim concerns conduct that occurred outside the three-year statute of limitations period,
15 the claim is barred.²

16 But the SAC also alleges misconduct that falls within the limitations period. Plaintiff
17 alleges that from 2019 to 2022, Defendant and other government officials repeatedly infiltrated
18 her place of employment and disguised themselves with masks in order to harass and harm
19 Plaintiff. *Id.* at 24–25. For example, Plaintiff alleges that in 2018 and 2019, “[Defendant] and
20 his gang of government criminals masked themselves again and infiltrated inside a [undisclosed]
21 company” for which Plaintiff worked and “forced [her] to perform medical information
22 discrepancies with one of the men who took [her] hostage and gang raped [her].” *Id.* Plaintiff
23

24 ² And even if the claim were not so barred, the supporting allegations appear so wild and
fantastical as to render the claim frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

1 alleges that, when she switched jobs in 2020, Defendant once again appeared at her place of
2 work—this time “disguised as a different person”—which forced her to resign on the first day.
3 *Id.* at 25. And in December 2021, Plaintiff alleges that Defendant “disguised himself as a
4 potential employer” and “tried to involve [Plaintiff in] a scenario of criminal deception, designed
5 to clean himself of all the crimes he [had] committed against [Plaintiff].” *Id.* Plaintiff also
6 alleges that since 2003, Defendant and “his gang of masked criminals” have infiltrated her
7 workplaces “to conduct SECRET TRIALS against my person.” *Id.* at 22.

8 Although Plaintiff’s *Bivens* claim involves some alleged misconduct that occurred within
9 the statute of limitations period, the claim is still frivolous. *See* 28 U.S.C. § 1915(e)(2)(B)(i);
10 *Neitzke*, 490 U.S. at 325–28. It is implausible that Defendant and a group of FBI agents engaged
11 in a nearly twenty-year-long campaign to harass and harm Plaintiff for no apparent reason. Nor
12 is it plausible that Defendant successfully disguised himself and infiltrated every employer for
13 which Plaintiff has ever worked, solely to harass Plaintiff.

14 Because most of the complaint concerns conduct barred by the applicable statute of
15 limitations, and the remaining portion of the complaint describes wildly implausible allegations,
16 the Court dismisses Plaintiff’s *Bivens* claim for failure to state a claim and for frivolousness. 28
17 U.S.C. § 1915(e)(2)(B); *Neitzke*, 490 U.S. at 325–28.

18 D. *Flast* Claim

19 In the SAC, Plaintiff raises a claim based on *Flast v. Cohen*, 392 U.S. 83 (1968). In
20 *Flast*, the Supreme Court recognized a limited exception to the general principle that taxpayers
21 typically lack standing to sue the federal government simply because they are taxpayers. The
22 Court held that a taxpayer has standing to seek an injunction against the federal government in
23 order to prevent it from spending federal funds in violation of the Establishment Clause of the
24

1 Constitution. *See id.* at 88, 102–06. The Establishment Clause states that “Congress shall make
2 no law respecting an establishment of religion.” U.S. Const. amend. I.

3 Plaintiff alleges that Defendant and “his gang of criminals” wasted taxpayer money “to
4 conduct Secret Trials, to cover up a political conspiracy, to enter the homes of innocent people to
5 violate them, and conduct this useless and wrongful international investigation full of false
6 allegations against [Plaintiff].” Dkt. # 29 at 3. This statement suggests that Defendant misused
7 taxpayer funds. But Plaintiff has not asserted that Defendant used funds to violate the
8 Establishment Clause, as is required to state a cognizable claim based on *Flast*. The SAC
9 discusses the Third, Fourth, Fifth, and Fourteenth Amendment, but does not mention the First
10 Amendment or religion. Based on the facts alleged, there is no reason to believe that the harms
11 that Plaintiff alleges are connected to religion, or that Defendant used federal funds in order to
12 violate the Establishment Clause. Plaintiff’s *Flast* claim lacks an arguable basis in law. The
13 Court therefore dismisses this claim under 28 U.S.C. § 1915(e)(2)(B). *See Neitzke*, 490 U.S. at
14 325.

15 E. 18 U.S.C. § 1503 Claim

16 In the SAC, Plaintiff asserts a claim under 18 U.S.C. § 1503. Dkt. # 29 at 2. But Section
17 1503 does not provide a civil cause of action for private individuals. Rather, Section 1503 is a
18 *criminal* statute that prohibits a person from influencing or injuring a juror or an officer of the
19 Court. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467 (9th Cir. 1997) (noting that it would be futile
20 to grant leave to amend in order to add an obstruction-of-justice claim under 18 U.S.C. § 1503
21 because “18 U.S.C. § 1503 is a criminal statute that does not provide for a private cause of
22 action”), *aff’d*, 525 U.S. 299 (1999), and *overruled on other grounds by Lacey v. Maricopa*
23 *Cnty.*, 693 F.3d 896 (9th Cir. 2012) (en banc); *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir.
24 1980) (per curiam) (observing that the “criminal provisions” at issue “provide no basis for civil

1 liability”). The Court therefore dismisses Plaintiff’s Section 1503 claim under 28 U.S.C.
2 § 1915(e)(2)(B).

3 F. State-Law Tort Claims

4 The SAC raises five tort claims: a claim for IIED (which was also included in the FAC),
5 as well as new claims for deceit, false imprisonment, sexual assault, and battery. Dkt. # 29 at 1–
6 5. In a previous order, the Court dismissed Plaintiff’s IIED claim for lack of subject matter
7 jurisdiction. Dkt. # 28 at 10. The Court explained that it must dismiss an action if, at any time, it
8 determines that it lacks subject matter jurisdiction, and instructed Plaintiff that she must
9 adequately demonstrate the basis for the Court’s jurisdiction in any subsequent amended
10 complaint. *See id.*; Fed. R. Civ. P. 12(h)(3). In the SAC, Plaintiff asserts that the Court has
11 subject matter jurisdiction over the IIED claim and the four new tort claims. Dkt. # 29 at 1–3.

12 “In civil cases, subject matter jurisdiction is generally conferred upon federal district
13 courts either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28
14 U.S.C. § 1331.” *Peralta v. Hisp. Bus., Inc.*, 419 F.3d 1064, 1068 (9th Cir. 2005). When a court
15 has subject matter jurisdiction over one or more claim, it may exercise supplemental jurisdiction
16 over other, related claims. *See* 28 U.S.C. § 1367(a). But a court may decline to exercise
17 supplemental jurisdiction if it has “dismissed all claims over which it has original jurisdiction.”
18 *Id.* § 1367(c). For the following reasons, the Court lacks subject matter jurisdiction over
19 Plaintiff’s state-law tort claims and declines to exercise supplemental jurisdiction.

20 First, there is no jurisdiction based on diversity of citizenship. In a prior order, the Court
21 granted leave to amend the complaint because it concluded that it was possible for Plaintiff to
22 allege additional facts that would establish diversity jurisdiction. Dkt. # 28 at 10. But in the
23 SAC, Plaintiff concedes that she is not asserting jurisdiction based on diversity of citizenship
24 because, like Plaintiff, Defendant “lives [in] the State of Washington.” Dkt. # 29 at 8.

1 Second, there is no federal question jurisdiction over Plaintiff's tort claims. A district
2 court has federal question jurisdiction over cases "arising under the Constitution, laws, or treaties
3 of the United States." 28 U.S.C. § 1331. But all of Plaintiff's tort claims are based in state law,
4 not federal law. *See, e.g., Kloepfel*, 149 Wash. 2d at 193–97 (state-law tort of IIED); *Kumar v.*
5 *Gate Gourmet Inc.*, 180 Wash. 2d 481, 504–05, 325 P.3d 193(2014) (state-law tort of battery).
6 While Plaintiff says, for example, that there are "both Federal and State laws" for IIED (Dkt.
7 # 29 at 4), she identifies no federal statute for IIED, or for any of the other tort claims in the
8 SAC. *See also* Dkt. # 28 at 10 (observing that "IIED is generally understood as a state law tort
9 because it does not implicate any federal rights"). Plaintiff also clarifies in the SAC that she is
10 not bringing a claim under the Federal Tort Claims Act. Dkt. # 29 at 8. Therefore, Plaintiff has
11 identified no federal cause of action for any of the tort claims in the SAC.

12 Plaintiff asserts that there is federal question jurisdiction because she "was the subject of
13 a federal investigation, conducted by the federal government." Dkt. # 29 at 2. But
14 fundamentally state-law claims like Plaintiff's tort claims are not covered by federal question
15 jurisdiction simply because the federal government is somehow involved (and again, Plaintiff is
16 not bringing a claim under the Federal Tort Claims Act). Rather, federal question jurisdiction
17 exists when "a well-pleaded complaint establishes either that federal law creates the cause of
18 action or that the plaintiff's right to relief necessarily depends on resolution of a substantial
19 question of federal law." *Cook Inlet Region, Inc. v. Rude*, 690 F.3d 1127, 1130 (9th Cir. 2012)
20 (quoting *Empire Healthchoice Assurance, Inc. v. McVeigh*, 547 U.S. 677, 689–90 (2006)). State
21 law—not federal law—creates the causes of action invoked by Plaintiff, and her claims do not
22 depend on resolution of a substantive question of federal law. Plaintiff has identified no means
23 by which this Court may invoke federal question jurisdiction over her state-law tort claims.
24

1 Plaintiff asserts that the Court has supplemental jurisdiction over her tort claims. Dkt.
2 # 29 at 3. “[I]n any civil action of which the district courts have original jurisdiction, the district
3 courts shall have supplemental jurisdiction over all other claims that are so related to claims in
4 the action within such original jurisdiction that they form part of the same case or controversy.”
5 28 U.S.C. § 1367(a). But a district court has discretion to decline the exercise of supplemental
6 jurisdiction. *See* 28 U.S.C. § 1367(c). Where, as here, “all federal-law claims are eliminated
7 before trial, the balance of factors . . . will [usually] point toward declining to exercise
8 jurisdiction over the remaining state-law claims.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S.
9 343, 350 n.7 (1988); *see also United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966)
10 (“[I]f the federal claims are dismissed before trial . . . the state claims should be dismissed as
11 well.”); *Trustees of Constr. Indus. & Laborers Health & Welfare Tr. v. Desert Valley Landscape*
12 *& Maint., Inc.*, 333 F.3d 923, 926 (9th Cir. 2003) (observing that in several prior cases, the court
13 had “held that it was appropriate for the district court to decline jurisdiction over the
14 supplemental state claims because the federal claim had proven to be unfounded”). Because the
15 Court has dismissed all federal-law claims in this order and in previous orders—depriving the
16 Court of original jurisdiction based on any of those claims—the Court declines to exercise
17 supplemental jurisdiction over the remaining state-law tort claims. *See* 28 U.S.C. § 1367(c)(3)
18 (allowing a district court to decline to exercise supplemental jurisdiction if “the district court has
19 dismissed all claims over which it has original jurisdiction”); *Gibbs*, 383 U.S. at 726.

20 The Court therefore dismisses Plaintiff’s tort claims without prejudice under Federal
21 Rule of Civil Procedure 12(h)(3) and 28 U.S.C. § 1915(e)(2)(B). *See Emiabata v. Bank of N.Y.*
22 *Mellon Tr. Co. NA/JP Morgan Chase (SLS)*, No. C17-1302, 2017 WL 4838840, at *3 n.2 (W.D.
23 Wash. Oct. 3, 2017) (dismissing a state-law claim without prejudice because the basis for
24 dismissal was a lack of subject matter jurisdiction).

1 G. Leave to Amend

2 The Court concludes that granting further leave to amend would be futile. *See Eminence*
3 *Cap., LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003). The Court has already provided
4 Plaintiff two opportunities to amend her complaint. Dkt. ## 24 at 3; 28 at 10–11. Plaintiff's
5 *Bivens* claim is based mainly on conduct that falls outside the three-year statute of limitations
6 period, and the rest of the claim is wildly implausible. While Plaintiff raises a *Bivens* claim for
7 the first time in the SAC, the claim is based on the same fact pattern found in previous versions
8 of the complaint; so there is no reason to believe that amendment could cure the defects in
9 Plaintiff's claim. This is particularly true considering the Court's previous instruction that
10 Plaintiff must plead facts within the three-year statute of limitations. *See* Dkt. # 28 at 10.
11 Therefore, further amendment would be futile.

12 Granting leave to amend would not remedy Plaintiff's *Flast* claim: Plaintiff has not
13 mentioned religion or facts suggestive of an Establishment Clause violation in any of the three
14 iterations of her complaint. Similarly, amendment would not cure Plaintiff's claim based on 18
15 U.S.C. § 1503, because that criminal statute does not provide a private cause of action.


16 Finally, in its previous order, the Court instructed Plaintiff to demonstrate subject matter
17 jurisdiction for her IIED claim and explained that failure to do so would result in dismissal
18 without leave to amend. Dkt. # 28 at 10–11. In the SAC, Plaintiff failed to cure this
19 jurisdictional defect. She expressly disclaimed any reliance on diversity jurisdiction and could
20 not demonstrate federal question jurisdiction because the claim is based in state, not federal, law.
21 This jurisdictional defect applies equally to her other, newly alleged tort claims, which are
22 similarly based in state law. Thus, granting further leave to amend would be futile.

IV.

CONCLUSION

The Court DISMISSES the complaint without leave to amend. The Court (1) dismisses Plaintiff's *Bivens* claim, *Flast* claim, and 18 U.S.C. § 1503 claim *with* prejudice, and (2) dismisses plaintiff's state-law tort claims *without* prejudice. The Clerk is DIRECTED to send a copy of this order to Plaintiff.

Dated this 7th day of September, 2022.



John H. Chun
United States District Judge